



## APPENDIX 10

Second Preliminary Amendment in Continuation Application  
U.S. Serial No.09/288,943 filed April 09, 1999.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Steve Ingistov  
Serial No. : 09/288,943  
Filed: April 9, 1999  
Group Art Unit: 3745  
Examiner: Kwon  
Title : TURBINE POWER PLANT HAVING MINIMAL-CONTACT BRUSH  
SEAL AUGMENTED LABYRINTH SEAL

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

SECOND PRELIMINARY AMENDMENT

The following Second Preliminary Amendment is submitted in the subject application.

IN THE CLAIMS

Please cancel, without prejudice, Claims 21-31.

COMMENTS

As previously indicated, Applicant seeks to initiate a patent interference with U.S. Patent 5,630,590 (the '590 Patent) with this application. The filing date to which the subject application is entitled and the filing date of the '590 Patent differ by less than three months. Accordingly, it is believed that the criteria for the declaration of an interference are set forth under 37 CFR 1.608(a).

To expedite prosecution and the initiation of an interference, Applicant has cancelled all claims, without prejudice, except for those claims copied from the '590 Patent.

As stated previously, it is the opinion of Applicant's attorney that the subject application claims the same invention as the '590 Patent and that there is a basis upon which Applicant is entitled to judgment relative to the patentee.

In further support of this opinion, a claim chart has been attached which refers to support for the copied claims in Applicant's specification. The chart shows the supporting material by reference to U.S. Patent 5,961,279 which is the parent of the subject application, and includes the same material in its specification. It is believed clear that all of the copied claims find support in Applicant's specification, except for small obvious differences which are primarily differences in phraseology.

Please amend the previously proposed count to read as follows.

#### COUNT

A gas turbine engine[, the] having a first component having at least one knife edge seal for inhibiting air leakage through an intercomponent gap between the first component and [the] a second component, the first component characterized by:

a brush seal mounted on the first component in [series] tandem with the knife edge seal, the bristles of the brush seal extending toward the second component for impeding the leakage of air through the [inner] inter-component gap.

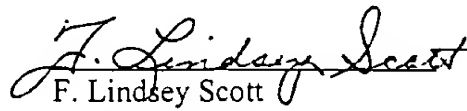
This proposed Count is substantially Claim 1 of the '590 Patent, restated to cover gas turbine components generally, rather than only refurbished gas turbine components.

It is considered that Applicant's Claim 32 corresponds to this count which has been changed from Claim 32 only to eliminate the requirement for a refurbished gas turbine engine component since the brush seal is also useable with new turbine installations.

Applicant submits that the invention claimed in the '590 Patent is the same invention claimed in the subject application.

Accordingly, it is believed that all claims now included in this application are in condition for allowance and it is respectfully requested that the Examiner determine that an interference should be declared and that the Examiner prepare and forward interference papers to the Board, as provided in 37 CFR 1.609.

Respectfully submitted,



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